

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
EDWARD D. VOGEL, Cal. Bar No. 110081
3 JOHN C. DINEEN, Cal. Bar No. 222095
501 West Broadway, 19th Floor
4 San Diego, California 92101-3598
Telephone: 619.338.6500
5 Facsimile: 619.234.3815
Email: evogel@sheppardmullin.com
6 jdineen@sheppardmullin.com

7 Attorneys for Defendant
WELLS FARGO BANK, N.A.

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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12 MYLES J. TOMBLINE AND MARIA J.
LOPANE, INDIVIDUALLY, AND ON
13 BEHALF OF A CLASS OF PERSONS
SIMILARLY SITUATED,

14 Plaintiffs,

15 v.

16 WELLS FARGO BANK, N.A.,

17 Defendant.
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Case No. 13-cv-04567 JD

**THE PARTIES' AMENDED
STIPULATED REQUEST TO
CHANGE THE FORM OF
ALTERNATIVE DISPUTE
RESOLUTION PROCESS
APPLICABLE TO THE CASE**

Judge: Hon. James Donato

Trial Date: None Set

1 Pursuant to Civil Local Rule 16-8, the parties to this action, through their
2 attorneys of record, submit the following Stipulated Request to Change the Form of
3 Alternative Dispute Resolution Process Applicable to this Case:

4 WHEREAS, on January 8, 2014, the Court issued its Corrected Minute
5 Order and Case Management Order (“CMO”), and

6 WHEREAS, the CMO provided that a Magistrate Judge Settlement
7 Conference shall be conducted in the case; and

8 WHEREAS, on March 13, 2014 the parties filed a stipulation requesting an
9 extension of time for the deadline to complete the Settlement Conference because of
10 difficulties Defendant has encountered in identifying, collecting and reviewing relevant
11 records and information so that the parties could better prepare for the Settlement
12 Conference scheduled for April 17, 2014) so as to maximize the chances that the
13 Settlement Conference will be successful; and

14 WHEREAS, on March 14, 2014, the Court issued an Order granting in part
15 and denying in part the parties’ stipulation, including continuing the Settlement
16 Conference completion deadline to June 26, 2014; and

17 WHEREAS, the parties conferred with the chambers of the Hon. Nandor J.
18 Vadas regarding the Court’s availability for a settlement conference in June, however, at
19 the time of the parties’ inquiry Judge Vadas was not available in San Francisco for a
20 settlement conference on any of the dates that the parties were mutually available; and

21 WHEREAS, the parties did not make additional inquiry regarding Judge
22 Vadas’ future availability. Instead, they contacted the office of the Hon. Edward A.
23 Infante (Ret.) and learned that Judge Infante had limited availability for a mediation in San
24 Francisco on June 25, 2014. The parties immediately reserved June 25, 2014 with Judge
25 Infante’s staff (although the parties note that they have subsequently been informed that
26 Judge Vadas’ availability has changed); and

27 WHEREAS, the parties’ now desire to change their requested form of
28 alternative dispute resolution process from a settlement conference to a private mediation.

Dated: April 17, 2014

By /s/ Edward D. Vogel
EDWARD D. VOGEL

Dated: April 17, 2014

By /s/ Jeffrey S. Nobel
JEFFREY S. NOBEL

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 21, 2014



HON. JAMES DONATO
United States District Judge

United States District Court for the Northern District of California,
Myles J. Tomblin, et al. v. Wells Fargo Bank, N.A., Case No. C 13-04567 JD

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego; I am over the age of eighteen years and not a party to the within entitled action; my business address is 501 West Broadway, 19th Floor, San Diego, California 92101-3598.

On **April 17, 2014**, I served the following document(s) described as

THE PARTIES' AMENDED STIPULATED REQUEST TO CHANGE THE FORM OF ALTERNATIVE DISPUTE RESOLUTION PROCESS APPLICABLE TO THE CASE

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

Alan R. Plutzik
Robert M. Bramson
Bramson Plutzik Mahler & Birkhaeuser, LLP
2125 Oak Grove Road, Suite 120
Walnut Creek, CA 94598
925-945-0200
Fax: 925-945-8792
Email: aplutzik@bramsonplutzik.com;
rbramson@bramsonplutzik.com

Attorneys for Plaintiff
Myles J. Tomblin

Jeffrey S. Nobel
Mark P. Kindall
Robert Izard
Izard Nobel LLP
29 South Main Street, Suite 305
West Hartford, CT 06107
860-493-6292
Fax: 860-493-6290
Email: jnobel@izardnobel.com;
firm@izardnobel.com; rizard@izardnobel.com

Attorneys for Plaintiff
Myles J. Tomblin

1 **Also served on:**


2 on the interested party(ies) in this action by placing true copies thereof enclosed in sealed
3 envelopes and/or packages addressed as follows:

4 Seth R. Klein, Esq.
5 Izard Nobel, LLP
6 29 South Main Street, Suite 305
7 West Hartford. CT 06107

8 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the
9 document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the
10 case who are registered CM/ECF users will be served by the CM/ECF system.
11 Participants in the case who are not registered CM/ECF users will be served by mail or by
12 other means permitted by the court rules.

13 **FEDERAL:** I declare that I am employed in the office of a member of the bar of
14 this Court at whose direction the service was made. I declare under penalty of perjury
15 under the laws of the United States of America that the foregoing is true and correct.

16 Executed on April 17, 2014, at San Diego, California.

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Phyllis Chavez